

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON WOULDSTRA,
BRIANNA K. WOULDSTRA, BLAKE C.
WOUDSTRA, DUSTIN W. WOULDSTRA, and
ANGELA R. WOULDSTRA, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHELLE K. WOULDSTRA,

Respondent-Appellant,

and

WAYNE ALLEN WOULDSTRA,

Respondent.

UNPUBLISHED

October 21, 2008

No. 285045

Calhoun Circuit Court

Family Division

LC No. 2006-002771 NA

Before: Servitto, P.J., and Donofrio and Fort Hood, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). If a statutory ground for termination is established, the trial court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). The trial court's decision terminating parental rights is reviewed for clear error. MCR 3.977(J); *Trejo, supra* at 355-357; *Sours, supra* at 632-633. A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 455

NW2d 161 (1989). Regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C); *Miller, supra* at 337.

There was clear and convincing evidence to terminate respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i). At the time of the adjudication, respondent was planning for the return of her children with her husband despite the unhealthy nature of their relationship, the allegations of domestic violence, and his abuse of marijuana. Further, the family did not have a suitable residence. Because respondent's relationship with her husband had not improved, and respondent did not have suitable housing for the children by the time of the permanent custody hearing, termination of her parental rights under MCL 712A.19b(3)(c)(i) was proper.

Termination of respondent's parental rights pursuant to MCL 712A.19b(3)(g) was also appropriate. Respondent was unable to provide proper care and custody for the children because she did not have a suitable residence, lacked sufficient income to support the children, and never improved her chaotic and frenetic parenting style. Prior to moving in with relatives with whom she was living at the time of the permanent custody hearing, respondent lived in five different residences. Throughout the case, she never demonstrated the ability to obtain and maintain independent housing. Also, respondent claimed to be looking for a second job to supplement her income because her job did not provide enough income to meet her living expenses, but she never managed to do so.

Although respondent participated in therapy and parenting classes, she did not adequately benefit from services. Respondent was unable to entertain and maintain control in a structured environment during visits with the children. Respondent also continued to have difficulty making decisions and maintaining consistency. She continued to have a tendency to be impulsive, had difficulty setting boundaries in her personal life, and was unable to teach boundaries to the children, which caused chaos. She never resolved the personal issues that interfered with her ability to parent. It is not enough to merely go through the motions; a parent must benefit from the services offered so that she can improve parenting skills to the point where the children would not longer be at risk in her custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005).

Finally, the trial court did not err in terminating respondent's parental rights under MCL 712A.19b(3)(j). There is a risk of physical and emotional harm to the children if they are returned home. Respondent maintained a pattern of instability, evictions, lack of insight onto the children's needs, and inconsistent, chaotic parenting. In maintaining a relationship with her husband, respondent demonstrated her willingness to expose her children to his unhealthy anger, marijuana use, and domestic violence. The relationship between respondent and her husband was convoluted, threaded in denial, domestic violence, anger, and behavioral patterns that were inappropriate for the children and subjected them to risk of emotional and physical harm. Thus, termination of parental rights under MCL 712A.19b(3)(j) was proper.

Affirmed.

/s/ Deborah A. Servitto
/s/ Pat M. Donofrio
/s/ Karen M. Fort Hood